

Attorney Docket No.: 31184

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lutgen, Joseph L., et al)
Serial No.: 10/672,602) Examiner: Tuan N. Nguyen
Filed: September 26, 2003) Group Art Unit: 3751
For: Normally Handheld Instruments)
Allowing Normal Fingertip Activity)

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respond to the Restriction Requirement issued October 19, 2004 as set forth below. A petition for a two (2) month extension of time, together with a check for fees in the amount of \$225.00, accompanies this request. Applicants claim small entity status. Please charge any additional fees or underpayments, or credit any overpayments, to Deposit Account No. 502948.

Applicant elects to pursue what the Examiner has designated as Species I (Figs. 2-7, 45 and 46).

Applicants submit that claims 1-9 and 11 are readable on Species I. Applicant further submits that at least independent claims 1 and 2 are generic.

Applicants submit that the embodiments of the invention illustrated in Figs. 9-11, for which the Examiner has assigned no species in the Restriction Requirement, would also seem to be members of Species I, if the Applicants correctly understand the Examiner's methodology for delineating Species I. As support for Applicant's position,

Applicants refer the Examiner to page 5, lines 16-19 of the specification, which read as follows (emphasis added):

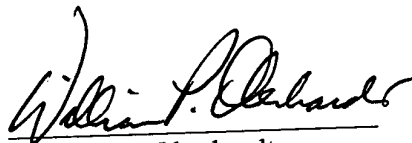
FIG. 9 is a top view of a hand with the *static writing instrument of FIG. 2* affixed to the middle phalange of the middle finger and in the rest position.

FIGS. 10 and 11 are differing actual use or rest position views of *the static writing instrument of FIG. 2*.

Applicants therefore respectfully request that the Examiner add Figs. 9-11 to Species I, the elected species.

The application is now believed to be in condition for further examination of claims 1-9 and 11. Should the Examiner have any further questions concerning the application, or this Response To Restriction Requirement, the Examiner is cordially requested to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



William P. Oberhardt
Registration No. 31,861
Attorney for Applicants

Dated: February 16, 2005

William P. Oberhardt
WILLIAM P. OBERHARDT
2100 Three First National Plaza
Chicago, Illinois 60602
Phone: (312) 251-1100
Fax: (312) 251-1175